

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>KILLER JOE NEVADA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-2528-STA-dkv</b>
	)	
<b>DOES 1-12,</b>	)	
	)	
<b>Defendants.</b>	)	

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<b>KILLER JOE NEVADA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-2529-STA-dkv</b>
	)	
<b>DOES 1-10,</b>	)	
	)	
<b>Defendants.</b>	)	

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<b>KILLER JOE NEVADA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-2530-STA-dkv</b>
	)	
<b>DOES 1-13,</b>	)	
	)	
<b>Defendants.</b>	)	

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<b>KILLER JOE NEVADA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-2531-STA-dkv</b>
	)	
<b>DOES 1-14,</b>	)	
	)	
<b>Defendants.</b>	)	

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<b>KILLER JOE NEVADA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 13-2532-STA-dkv</b>
	)	
<b>DOES 1-46,</b>	)	
	)	
<b>Defendants.</b>	)	

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### ORDER OF DISMISSAL

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Before the Court is Plaintiff Killer Joe Nevada, LLC's Complaints for copyright infringement, originally filed on April 21, 2013, in the United States District Court for the Eastern District of Tennessee. On April 24, 2013, Plaintiff filed identical motions for discovery in these matters. Thereafter, the cases were transferred to this Court from the Eastern District of Tennessee on July 16, 2013, and the Court referred Plaintiff's motions for discovery to the United States Magistrate Judge for determination. On October 22, 2013, the Magistrate Judge entered an order granting Plaintiff's motions to serve expedited discovery on non-party ISPs before a Rule 26(f)

conference would occur (D.E. # 11). The Magistrate Judge's order required Plaintiff to serve on each of the ISPs listed in Plaintiff's five Complaints a copy of the order and a Rule 45 subpoena requesting each subscriber's name, address, telephone number, email address, and Media Access Control address. The Magistrate Judge also set forth deadlines for the ISPs to serve the subpoenas on the subscribers and for the subscribers to respond. No further activity has taken place in this case since the Magistrate Judge entered her order.

On March 19, 2014, the Court ordered Plaintiff to submit a status report informing the Court about the steps that have been taken up to this point, what additional information Plaintiff requires, and what additional steps Plaintiff needs to take before it will be ready for a Rule 16(f) conference. Plaintiff's response to the Court's order was due within ten (10) days of the entry of the order. Plaintiff never responded to the Court's order. Thereafter, on April 4, 2014, the Court entered an order to show cause as to why Plaintiff's Complaints should not be dismissed without prejudice under Federal Rule of Civil Procedure 4(m). That Rule provides that "[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant or order that service be made within a specified time."<sup>1</sup> Plaintiff filed its Complaints one year ago yesterday, and more than 120 days since the entry of the Magistrate Judge's order granting Plaintiff's request for discovery. However, there is no evidence that Plaintiff has successfully served any Defendant named in any of the cases before the Court. To date, no Defendant has answered or appeared to defend, and Plaintiff has failed to take any further action against any Defendant. Plaintiff failed to respond to the Court's show cause order, despite the Court's warning that a failure to respond would be deemed good

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<sup>1</sup> Fed. R. Civ. P. 4(m).

grounds to dismiss Plaintiff's cases without further notice.

Therefore, Plaintiff's Complaints are hereby dismissed without prejudice for failure to effect service within 120 days as required under Rule 4(m).

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: April 22, 2014